

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE#-215574

DATE: August 15, 1984

MATTER OF: C.R. International, Inc.

DIGEST:

GAO will not consider a bid protest when the issues presented are before a court of competent jurisdiction, the protester has not requested a GAO opinion on the matter before it, and the court has not otherwise expressed interest in such a decision.

C.R. International, Inc. (CRI), protests the award of a contract for fiber optics systems by the Department of State to Wang Laboratories, Inc., under request for proposals No. 2042-346076JS. CRI alleges that the Department of State improperly disqualified CRI for failing a benchmark test of its equipment, and that the agency improperly made a contract award after CRI filed a protest.

We will not consider the protest.

While the protest was pending, CRI filed a suit in the United States District Court for the District of Columbia (Civil Action No. 84-2252), seeking a temporary restraining order and injunctive relief. The court's resolution of the issue before it, which is identical to that raised in our Office, will control the resolution of the protest.

Where, as here, the basis for a civil suit is substantially the same as that presented in a bid protest, our Office will not consider the protest unless the court requests, expects, or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1983).

Since the protester has not requested in its complaint that the court seek our opinion and, in fact, the protester indicates its interest in a judicial remedy, and the court

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has not otherwise indicated an interest in our decision, we dismiss the protest. See Tadiran Israel Electronics Industries, Ltd., B-210810, Mar. 15, 1983, 83-1 C.P.D. ¶ 260.

Harry R. Van Cleve
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Acting General Counsel